

LEGISLATIVE LINEUP



YOUR LEGISLATIVE UPDATE FROM CCAWV

Collective County Voices

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Report from the 1st regular session of 2017 WV Legislature

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Summary of County Legislation Passed and signed by the Governor 2017

The 1st regular session has ended and 262 bills completed legislative action, 130 Senate bills and 132 House bills. The Governor has vetoed 17 of those bills and signed 245. Below you will find a short summary of 61 of these bills that have county implications or county interest.

While this was a complicated and often frustrating session, counties did succeed in getting a couple of revenue generating bills (SB 433, HB 2980 & SB 588) through and also defended against many, many proposals that could have been devastating to local government.

Many thanks to our CCAWV Legislative lobbying team...our lobbyist, office staff, and all of the members who made calls, sent emails/texts, and visited! It takes everyone to be successful!

If there are other bills you'd like to know more about, just give our office a call at 304-345-4639. If you are viewing this report online, you can click on the bill number and review the complete language & history of the bill (always look for the enrolled version)!

Bill	Title/Summary	Status	Effective Date
<u>SJR 6</u>	<u>Roads to Prosperity Amendment of 2017.</u> A proposed amendment to the Constitution of the State of West Virginia, authorizing the Legislature to issue and sell state bonds not exceeding the aggregate amount of \$1.6 billion to be used for improvement and construction of state roads and bridges. The resolution authorizes the Governor to set a special election on the ratification or rejection of the amendment to take place in 2017.	<i>Will be placed before voters in 2017</i>	Adopted 4/8/17
<u>SB 28</u>	<u>Creating new system for certain contiguous counties to establish regional recreation authorities.</u> The purpose of this bill is to create a new system for two or more contiguous counties to create a regional recreation authority for off-highway vehicle trail riding and for other recreational purposes. It also provides for reimbursement by any such created authority for natural resources police officers. This bill was VETOED by the Governor.	Governor VETOED 4/21/17	(VETOED)

Bill	Title/Summary	Status	Effective Date
<u>SB 41</u>	<u>Extending time person may be subject to probation.</u> Extending the time from 5 to 7 years.	Governor signed 4/11/17	Effective 90 days from Passage (6/29/17)
<u>SB 76</u>	<u>Creating WV Second Chance for Employment Act.</u> All relating to establishment of a criminal offense reduction program; allowing persons convicted of certain criminal felony offenses to petition under specified circumstances for reduction of the felony to misdemeanor status and providing for reduced offense status to be reflected on criminal records. It clarifies that a reduced misdemeanor may not be expunged and that criminal offense reduction is in the discretion of the circuit court.	Governor signed 4/25/17	Passed 4/8/17. Effective 90 days from Passage (7/7/17)
<u>SB 172</u>	<u>Eliminating salary for Water Development Authority board members.</u> Effective July 1, 2017, (instead of \$12000 annual salary) appointed members of Water Development Authority shall receive the same compensation for attending official meetings or engaging in official duties not to exceed the amount paid to members of the legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law. Appointed members may receive reimbursement for reasonable and necessary expenses allowed by this section. Each of the seven board members may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of duties as a member of the board.	Governor VETOED 4/26/17 NO Veto Message	(VETOED)
<u>SB 180</u>	<u>Relating to PSC jurisdiction over certain telephone company and internet services.</u> This bill prohibits Public Service Commission jurisdiction of Internet protocol-enabled service and voice-over Internet protocol-enabled service, and transactions involving telephone company entities under common ownership.	Governor signed 4/25/17	Passed 4/4/17; in effect 90 days from passage (7/3/17)
<u>SB 204</u>	<u>Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.</u> In case of a vacancy, during the recess of the Senate, Governor must make appointment within 90 days. Any person appointed to temporarily fill a vacancy shall possess the qualifications required by law for that vacant position, and may only remain in the vacated position for a maximum of ninety days. If an employee of a state agency is temporarily appointed to fill a vacancy, the employee may fill such vacancy without resigning from the position he or she ordinarily holds: <i>Provided</i> , that the employee's compensation shall be the greater of: (1) The employee's regular salary in his or her usual position; or (2) The salary for the office the employee temporarily fills. If a vacancy is temporarily filled by a person not otherwise employed by any agency of the State of West Virginia, then that person shall be compensated at a rate no greater than that of the	Governor signed 4/26/17	Passed 4/8/17; in effect 90 days from passage (7/7/17)

Bill	Title/Summary	Status	Effective Date
	salary for the office that person temporarily fills.		
<u>SB 219</u>	<p><u>Relating to conspiracy to commit crimes under Uniform Controlled Substances Act.</u></p> <p>The purpose of this bill is to create a criminal offense to hold all participants involved in a conspiracy to violate the drug laws responsible. The bill establishes sentences based upon quantities for certain controlled substances, and allows all substances possessed or delivered among the members of the conspiracy to be attributed to a defendant. Early on this bill increased certain penalties (depending on the quantities for certain drugs) as high as not less than 20 - 60 years. This highest sentencing amount was reduced in the final enrolled bill, to a determinate sentence of not less than two nor more than twenty years. The following language was also added to the final bill: Nothing in this section may be construed to place any limitation whatsoever upon alternative sentencing options available to a court. Throughout the legislative process CCAWV expressed concerns that this bill could cause significant regional jail cost increases.</p>	Governor signed 4/26/17	Passed 4/8/17; in effect 90 days from passage (7/7/17)
<u>SB 220</u>	<p><u>Relating to offenses and penalties under Uniform Controlled Substances Act.</u></p> <p>The purpose of this bill is to create a new felony offense for a drug delivery that results in the death of another person (imprisoned in a state correctional facility for a determinate sentence of not less than three nor more than fifteen years) and creating the criminal offense of failing to seek necessary medical attention for another while jointly engaged in illegal use of controlled substances where death ensues (imprisoned for not less than one year nor more than five years).</p>	Governor signed 4/26/17	Passed 4/8/17; in effect 90 days from passage (7/7/17)
<u>SB 221</u>	<p><u>Relating to composition of PEIA Finance Board.</u></p> <p>The purpose of this bill is to change the experience requirements for members and reduce the number of members from 10 to 8, of the Public Employees Insurance Agency Finance Board. Removed from the board was one member representing the interests of organized labor and one member selected by the Governor at large. The Board retains one member representing Political Subdivisions.-</p>	Governor signed 4/26/17	Passed 4/7/17. Effective 90 days from Passage (7/6/17)
<u>SB 230</u>	<p><u>Relating to certain WV officials carrying concealed firearm nationwide.</u></p> <p>The purpose of this bill is to require all law-enforcement agencies in this state to certify qualified law-enforcement officers to carry concealed firearms nationwide as provided by the federal Law-Enforcement Officers Safety Act, to provide statutory authority necessary to give prosecuting attorneys and assistant prosecuting attorneys the option to carry firearms for self-defense pursuant to that federal act upon completion of required training and annual background check and to require law-enforcement agencies to provide qualified retired law-enforcement officers the opportunity to be certified to carry concealed firearms nationwide, under that</p>	Governor signed 04/20/17	Passed 4/4/17; in effect 90 days from passage (7/3/17)

Bill	Title/Summary	Status	Effective Date
	act.		
<u>SB 239</u>	<u>Limiting use of wages by employers and labor organizations for political activities.</u> The purpose of this bill is to protect an employee's wages or salaries from being withheld or diverted for political activities without the express, written authorization of the employee. The bill makes clear that it is unlawful for any person to coerce or intimidate any employee into making a political contribution or engaging in political activities. The bill also makes it an unfair labor practice for any labor organization to use agency shop fees paid for by nonmembers for contributions or expenditures to influence an election without the authorization of the individual. This new law applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017 only.	Governor VETOED 4/26/17 NO Veto Message	(VETOED)
<u>SB 247</u>	<u>Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes.</u> This bill authorizes prosecuting attorneys to designate law-enforcement officers and investigators to receive evidence subpoenaed and received by a prosecuting attorney under the authority of a grand jury and to serve as custodians thereof. It authorizes using subpoenaed material for legitimate investigative purposes and requires grand jury confidentiality be preserved. It allows designated custodians to retain subpoenaed material until conclusion of investigation or prosecution.	Governor signed 04/11/17	Passed 4/1/17; effective from passage.
<u>SB 255</u>	<u>Relating generally to filling vacancies in elected office.</u> The Governor shall make the appointment from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred. The list of qualified persons to fill the vacancy shall be submitted to the Governor within fifteen days after the vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the fifteen-day period, the Governor shall appoint within five days thereafter a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred.	Governor VETOED 4/26/17 NO Veto Message	VETOED
<u>SB 261</u>	<u>Relating to increasing salary or wages of judgment debtor.</u> The purpose of this bill is to increase the salary or wages of a judgment debtor, that may be exempt from execution by a judgment creditor, who is an employee of state, a state agency, or any political subdivision of the state, from 30 to 50 times the federal minimum hourly wage (then in effect). This increased exemption was changed for private employees who are judgment debtors during the 2016 Regular Session. Subsection (b) corresponds to language found in §38-5A-3, creating consistency for public and private employees. The bill also requires that the judgment creditor includes additional personal information about	Governor signed 04/11/17	Passed 4/3/17; in effect 90 days from passage (7/2/17)

Bill	Title/Summary	Status	Effective Date
	the judgment debtor such as address and date of birth, but removes the requirement for last four digits of Social Security number of the judgement debtor.		
<u>SB 321</u>	<u>Reporting requirements of employee information to CPRB.</u> The purpose of this bill is to provide minimum reporting requirements for employee information to the Consolidated Public Retirement Board. All participating public employers of a public retirement system administered pursuant to this article shall promptly report all individuals employed with the participating public employer to the board and include information regarding the individual including, but not limited to, the individual's name, social security number, gross salary or compensation, rate of pay, hours or days worked or paid, type of pay (salary, hourly or per diem), employment contract period, job title, permanent or temporary employment, full-time or part-time employment, scheduled hours and benefit eligibility.	Governor signed 04/18/17	Passed 4/5/17; in effect 90 days from passage (7/4/17)
<u>SB 330</u>	<u>Relating to WV Workplace Freedom Act.</u> The purpose of this bill is to provide technical corrections to the definitions of the West Virginia Workplace Freedom Act, and to repeal provisions relating to the statutory construction of the Act. The bill was vetoed by the Governor because there is an on-going court case regarding the act.	Governor VETOED 3/28/17	VETOED
<u>SB 337</u>	<u>Hiring correctional officers without regard to placement on correctional officer register.</u> The purpose of this bill is to allow the Division of Corrections to hire a person as a Correctional Officer no matter their placement on the correctional officer register and granting employment preference to otherwise qualified persons on a preference register.	Governor signed 4/20/17	Passed 4/5/17 Effective from passage
<u>SB 345</u>	<u>Allowing certain hunting and trapping on private lands on Sundays.</u> The purpose of this bill is to allow hunting and trapping on private lands throughout the state on Sundays. It eliminates local option election regarding hunting on Sunday on private land; permits hunting on Sunday on private land; clarifies hunting on Sunday on public lands is unlawful; and supersedes ballot measures relating to Sunday hunting that have passed or failed prior to the effective date of these amendments.	Governor signed 4/24/17	Passed 4/7/17
<u>SB 386</u>	<u>Creating WV Medical Cannabis Act.</u> The purpose of this bill is to authorize and create a medicinal cannabis program in West Virginia. The program will be under the Department of Health and Human Resources, under the direction of the Bureau for Public Health. The bill defines medical cannabis organizations; establishes permitting processes for growers, processors and dispensers of medical cannabis; establishes limits on who may hold permits and who may hold positions or employment with growers, processors and dispensers; limits the number of permits that may be issued; requires reporting by medical cannabis organizations; requires rules for storage and	Governor signed 04/19/17	Passed 4/6/17; in effect ninety days from passage (7/5/17)

Bill	Title/Summary	Status	Effective Date
	<p>transportation of medical cannabis; requires medical cannabis organizations to contract with laboratories for testing of medical cannabis; and requires the bureau and the Department of Revenue to monitor the prices of medical cannabis. The bill authorizes counties to prohibit medical cannabis organizations from being located within their county. Further the bill provides for imposition and collection of a tax deposited into the Medical Cannabis Program Fund and makes allocations.</p>		
<p><u>SB 400</u></p>	<p><u>Regarding appointments to WV Infrastructure and Jobs Development Council.</u> The purpose of this bill is to eliminate an unnecessary and contradictory provision concerning appointments to the West Virginia Infrastructure and Jobs Development Council. Cleanup.</p>	<p>Governor signed 04/14/17</p>	<p>Passed 4/3/17; in effect ninety days from passage (7/2/17)</p>
<p><u>SB 433</u></p>	<p><u>Permitting counties increase excise tax on privilege of transferring real property.</u> After July 1, 2017, the county may increase the excise tax to an amount not to exceed \$1.65 for each \$500 value, or fraction thereof. The county excise tax imposed under this section may not be increased in any county unless the increase is approved by a majority vote of the members of the county commission of such county. Any county commission intending to increase the excise tax imposed in its county shall publish a notice of its intention to increase such tax not less than thirty days nor more than sixty days prior to the meeting at which such increase will be considered, such notice to be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area shall be the county in which such county commission is located. This bill is not effective until July 6, 2017.</p> <p>--Cannot raise the tax until July 6, 2017 --The intent to increase the tax must be published as a class I legal ad not less than 30 days nor more than 60 days prior to the meeting that the increase will be considered (<i>Class I-0 legal advertisement shall be published one time per WV Code 59-3</i>) --The increase must be approved by a majority vote of the county commission --No additional hearings are required (other than the county commission meeting open to public of course) --The entire \$1.65 goes into general revenue and can be used for any purpose that general revenue can be used for.</p>	<p>Governor signed 4/24/17</p>	<p>Passed 4/7/17. Effective 90 days from Passage (7/6/17)</p>
<p><u>SB 441</u></p>	<p><u>Establishing Municipal Home Rule Pilot Program.</u> The purpose of this bill is to establish the municipal home rule pilot program as a permanent program, and to allow all municipalities to participate in the program. It prohibited municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule or regulation that</p>	<p>Governor VETOED 4/26/17 NO Veto Message</p>	<p>VETOED</p>

Bill	Title/Summary	Status	Effective Date
	is contrary to certain laws governing the professional licensing or certification of public employees; provided for petition procedures to protest enacted or amended ordinances; required ratification of certain ordinances by the voters in a municipal election; and eliminated the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019.		
<u>SB 444</u>	<p><u>Establishing Court Advanced Technology Subscription Fund.</u></p> <p>The purpose of this bill is to establish a new special revenue fund to collect and remit moneys to the Court Advanced Technology Subscription Fund in the State Treasury for the use of certain advanced technology provided by the judiciary. This includes moneys received from subscribers using the court's advanced technology systems including, but not limited to, the E-filing system and the Unified Judicial Application Information System.</p>	Governor signed 04/20/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
<u>SB 454</u>	<p><u>Providing more efficient collection and submission of state moneys received from court transactions or court services.</u></p> <p>The purpose of this bill is to eliminate certain fees generated by suggestee executions and to further streamline the collection of state moneys received as a result of certain court transactions or court services through more efficient technology. Provides for monthly remittance of moneys collected by clerk of court from assessments on claims filed under Medical Professional Liability Act; directs clerk of court to remit certain assessments on claims filed under Medical Professional Liability Act to State Treasury; directs payment of certain sums collected pursuant to execution of judgment to be paid to judgment creditor; directs clerk of court of conviction to collect any fees collected for teen court program and remit monthly to sheriff for deposit in appropriate account; directs circuit clerk to remit moneys received for duplication of family court records to State Treasury for deposit in West Virginia Supreme Court of Appeals Fund.</p>	Governor signed 04/18/17	Passed 4/6/17; in effect ninety days from passage (7/5/17)
<u>SB 581</u>	<p><u>Relating generally to administration of trusts.</u></p> <p>The purpose of this bill is to make technical corrections to the Uniform Trust Code.</p>	Governor signed 04/18/17	Passed 4/5/17; in effect ninety days from passage (7/4/17)
<u>SB 588</u>	<p><u>Relating to reproduction, distribution and sale of tax maps.</u></p> <p>Regarding reproduction, distribution and sale of tax maps, this bill specifies the powers of the Property Valuation Training and Procedures Commission to promulgate rules; specifies duties of county assessors; requires that sale, reproduction and distribution of certain records be in accordance with specified legislative rules. Further, the fee to record a deed of conveyance (with or without a plat), trust deed, fixture filing or security agreement concerning real estate lease was increased from \$15 to \$25.</p>	Governor signed 04/18/17	Passed 4/5/17; in effect ninety days from passage (7/4/17)

Bill	Title/Summary	Status	Effective Date
	<p>Of the additional \$10 created with this bill, \$5 shall be deposited in the county reappraisal fund and dedicated to the operation of the assessor's office mapping division, \$3 shall be deposited in the Courthouse Facilities Improvement Fund created by section six, article twenty-six, chapter twenty-nine of this code, \$1 to the county 9-1-1 center and an additional \$1 (making a total of \$2) shall be deposited in the county general fund and dedicated to the operation of the county clerk's office.</p>		
<p><u>SB 602</u></p>	<p><u>Creating uniform system of recording and indexing fictitious names used by sole proprietors.</u> The purpose of this bill is to create a uniform system of recording and indexing of fictitious names used by sole proprietors in this state and requiring that the Secretary of State keep a searchable database for all persons filing forms to register and index fictitious names.</p>	<p>Governor signed 4/25/17</p>	<p>Passed 4/7/17. Effective 90 days from Passage (7/6/17)</p>
<p><u>SB 631</u></p>	<p><u>Prosecuting violations of municipal building code.</u> The purpose of this bill is to clarify the process by which municipal governments may abate unsafe, unsanitary, or dangerous dilapidated structures that are detrimental to the public safety or welfare. The bill permits complaints to be filed. The bill establishes a procedure. The bill requires notice. The bill grants hearings. The bill permits the recovery for costs for instituting an action. The bill defines terms.</p>	<p>Governor signed 4/24/17</p>	<p>Passed 4/7/17; in effect ninety days from passage (7/6/17)</p>
<p><u>SB 636</u></p>	<p><u>Authorizing State Fire Commission establish program to address problems facing VFDs.</u> The purpose of this bill is to authorize the State Fire Commission to establish a pilot project program to address problems facing volunteer fire departments. The bill requires annual reports.</p>	<p>Governor signed 04/18/17</p>	<p>Passed 4/6/17; in effect ninety days from passage (7/5/17)</p>
<p><u>SB 658</u></p>	<p><u>Establishing procedure for retitling mobile and manufactured homes.</u> The purpose of this bill is to establish a procedure whereby mobile and manufactured homes may be retitled provided certain conditions are met.</p>	<p>Governor signed 4/25/17</p>	<p>Passed 4/6/17; in effect ninety days from passage (7/5/17)</p>
<p><u>HB 200 1</u></p>	<p><u>Relating to ethics and transparency in government.</u> The purpose of this bill is to modify the ethics and purchasing laws to provide more transparency in government. The bill restricts members of the Ethics Commission to no more than two members from the same state senatorial district. It provides for the disclosure of interested parties to a government contract with an actual or estimated value of at least \$100,000. It prohibits contracting with a state agency unless the business entity submits disclosure of interested parties; requires submission of supplemental disclosure within thirty days of completion or termination of the contract; and requires the Ethics Commission create the disclosure form. It requires state</p>	<p>Governor signed 4/26/17</p>	<p>Passed 4/8/17; in effect ninety days from passage (7/7/17)</p>

Bill	Title/Summary	Status	Effective Date
	<p>agencies to submit completed forms to the Ethics Commission; and requires that they be made publicly available. The bill provides that state institutions of higher education are excepted if they comply with certain requirements and adopt certain policies. Institutions of higher education will provide the ethics Commission a listing of business entities that received more than \$100,000. The bill defines interested parties. The bill authorizes members of the Ethics Commission and members of the Probable Cause Review Board to participate and vote via video conferencing. It clarifies and expands the violations in which a complaint may be referred to the Probable Cause Review Board; clarifying that the Probable Cause Review Board conducts investigations and not hearings to determine probable cause. It also clarifies and expands the violations in which a complaint may be initiated by the Ethics Commission; clarifying that the Probable Cause Review Board is the entity to receive evidence bearing on the issue of probable cause; and clarifies that the commission and review board may ask a respondent to disclose specific amounts received from a source and request other detailed information. The bill clarifies that both the Ethics Commission and the Probable Cause Review Board have subpoena power. It clarifies that confidentiality provisions apply to both the commission and the review board; and specifies <u>that at least six members of the Ethics Commission approve of a decision on the truth or falsity of the charges against a respondent and a decision to impose sanctions.</u></p> <p>The bill clarifies and expands the violations in which sanctions may be imposed by the Ethics Commission.</p> <p>The bill prohibits a public official or public employee from showing favoritism or granting patronage in the employment or working conditions of his or her relative or a person with whom he or she resides. It prohibits public officials, except certain members of the Legislature, from voting on the employment or working conditions of the public official's relative or person with whom the public official resides; and prohibits public officials, except certain members of the Legislature, from voting on the appropriation of moneys or award of contract to a nonprofit corporation if the public official or an immediate family member is employed by, or a compensated officer or board member of, the nonprofit. The bill does require that a public official shall publicly disclose his or her relationship prior to the vote if he, she or an immediate family member is an uncompensated officer or board member of the nonprofit; and provides that a public official's recusal must be reflected in the meeting minutes.</p> <p>The bill clarifies the timeframe in which a candidate for public office must file a financial disclosure statement and provides an exception to filing such a financial disclosure statement if the candidate has previously filed a statement for the previous calendar year.</p>		

Bill	Title/Summary	Status	Effective Date
HB 210 9	<p><u>Relating to the West Virginia Land Reuse Agency Authorization Act.</u></p> <p>The purpose of this bill is to include a municipal land bank as an agency within the West Virginia Land Reuse Agency Authorization Act and that a municipal land bank may the right of first refusal to acquire tax delinquent property. The bill also provides that a municipal land bank may have the right of first refusal to buy any tax delinquent property with an assessed value of \$25,000 or less, within municipal limits, for taxes owed and any related fees before the tax delinquent property is placed for public auction at tax sales. A list of properties which meet the criteria of this subdivision shall regularly be compiled by the sheriff of the county, and a land reuse agency or municipal land bank may purchase any qualifying tax-delinquent property for an amount equal to the taxes owed and any related fees before such property is placed for public auction.</p> <p>When a land reuse agency or municipal land bank exercises a right of first refusal, within fifteen days, they must provide written notice to all owners of real property that is adjacent to the tax-delinquent property and any property owner will have 120 days from the receipt of notice to exercise a right to purchase the tax-delinquent property from the land reuse agency or municipal land bank for an amount equal to the amount paid by the land reuse agency or municipal land bank. The provision will sunset in 3 years and requires reporting back to Legislature.</p>	Governor signed 4/25/17	Passed 4/8/17; effective 90 days from passage (7/7/17)
HB 230 3	<p><u>Increasing criminal penalties for littering.</u></p> <p>The purpose of this bill is to increase the fines and community service hours for littering.</p>	Governor signed 4/24/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
HB 236 4	<p><u>Prohibiting electioneering within or near early voting locations during early voting periods.</u></p> <p>This bill deals with restrictions on presence and conduct at or within one hundred feet (currently 300 ft) of polls. The bill prohibits persons other than voters and election officials from being or remaining within one hundred feet of entrance of polling place while polls open; permits person delivering voter to polling place to discharge voter within one hundred feet of entrance of polling place; requires person delivering voter to remove vehicle one hundred feet until the voter is to be transported from polling place or another voter delivered; permits vehicles delivering voters who require assistance to remain within one hundred feet of entrance until voter is to be transported from polling place; defines electioneering; prohibits electioneering in or within one hundred feet of polling place on election day; prohibits electioneering in or within one hundred feet of early voting polling places during early voting periods; provides exceptions to electioneering prohibitions for persons upon his or her private property; and clarifies that electioneering on private property near polling places must conform to other existing laws and</p>	Governor signed 4/26/17	Passed 4/6/17; in effect ninety days from passage (7/5/17)

Bill	Title/Summary	Status	Effective Date
	ordinances		
<u>HB 242</u> <u>8</u>	<p><u>Establishing additional substance abuse treatment facilities.</u></p> <p>This bill's purpose is to ensure additional beds for purposes of providing substance abuse treatment. It requires these beds are made available in locations throughout the state and provides duties of the Secretary of the Department of Health and Human Resources. It provides for requirements of facilities accepting funds; requires facilities be appropriately licensed and creates the Ryan Brown Addiction Prevention and Recovery Fund. The bill further provides for administration of fund by the Secretary of the Department of Health and Human Resources and provides what moneys the fund shall consist of. The bill directs the transfer of money recovered on behalf of the state arising out of the settlement of a certain civil action to the fund; and provides for rulemaking.</p>	Governor signed 4/25/17	Passed April 8, 2017; effective from passage
<u>HB 247</u> <u>5</u>	<p><u>Authorizing the Tax Commissioner to collect tax, interest and penalties due and owing from payments to vendors and contractors from the Auditor and other state, county, district or municipal officers and agents.</u></p> <p>The purpose of this bill is to require the Auditor and other state, county, district or municipal officers to certify to the Tax Commissioner the identity of payees prior to issuance of payments, and authorize the Tax Commissioner to identify those payees who are not in good standing with the Tax Department and to require the Auditor or issuing officer to forward to the Tax Commissioner the lesser of the amount of tax interest and penalty owed or the remaining amount of payment. The bill requires the Auditor or issuing officer or agent to notify the vendor or contractor of the amount being withheld, and requires payment be withheld until the vendor or contractor is in good standing. State and local employees receiving only W-2 wages or salary are excluded from the definition of "vendor" or "contractor."</p>	Governor signed 4/25/17	Passed 4/5/17; in effect ninety days from passage (7/4/17)
<u>HB 254</u> <u>8</u>	<p><u>Relating to the use of outside speakers by persons licensed to manufacture, sell, possess for sale, transport or distribute nonintoxicating beer.</u></p> <p>The purpose of this bill is to allow nonintoxicating beer licensees to have speakers outside of licensed premises as long as their use does not disturb the peace and quietude of community where the business is located or violate local noise ordinances.</p>	Governor signed 4/26/17	Passed 4/5/17; in effect ninety days from passage (7/4/17)
<u>HB 255</u> <u>2</u>	<p><u>Increasing the pet food registration fee and directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund.</u></p> <p>The purpose of this bill is to redirect the pet food registration fee to the West Virginia Spay Neuter Assistance Fund. The fee was not increased but remains at \$50.</p>	Governor signed 4/26/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)

Bill	Title/Summary	Status	Effective Date
HB 256 1	<p>Relating to public school support. (I included this bill in my summaries because initially it included a property tax initiative to allow local school boards to increase their tax levy rate. However, during the back and forth between the House and Senate it was removed. I've left it in for your review.)</p> <p>The purpose of this bill is to create additional flexibility for school systems in the use of school aid funds. The bill moves the basis for calculation the foundation allowances for professional educators and service personnel to an authorized positions ratio, rather than the number employed subject to a limiting ratio. It removes the penalty for not meeting applicable instructional personnel ratio for 2017-18 school year and provides for proration of number and allowance of personnel employed in part by state and county funds.</p> <p>The bill adds professional student support personnel allowance to calculation of teachers' retirement fund allowance and establishes that the teachers retirement fund allowance is factored on average retirement contribution rate of each county and establishes the basis for determining the average retirement contribution rate.</p> <p>The bill also authorizes county school boards to use up to \$200,000 of the formula funds restricted to bus purchases for facility, equipment and other current expense priorities if approved by the state superintendent. The method for calculating the Allowance for Current Expense is changed from a percentage of salary costs to a state average cost for operations and maintenance per square foot per student. The bill authorizes funds for the improvement of instructional technology to be used for the employment of technology system specialists and allows percentages of both allowances for improving instructional programs and instructional technology to be used for school facility and equipment repair, maintenance and improvement or replacement and other current expense priorities, and for emergencies. The amounts used for these purposes must be included and justified in the respective strategic plans for instructional programs and technology improvement.</p> <p>The bill specifies when certain debt service payments are to be made into school building capital improvement fund; authorizes the School Building Authority to maintain a reserve fund in the amount of not less than \$600,000 for the purpose of making emergency grants to financially distressed county boards; and directs that grants are to be made in accordance with guideline established by the authority. Finally some expired provisions were eliminated.</p>	Governor signed 4/26/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
HB 257 9	<p><u>Increasing the penalties for transporting controlled substances.</u></p> <p>Increases penalties for non-narcotic class I, II, and III felonies to</p>	Governor signed 4/26/17	Passed 4/8/17; in effect ninety

Bill	Title/Summary	Status	Effective Date
	ten year max (previously five years); sets forth new mandatory minimums for felonies relating to specific drugs (heroin, methamphetamine, etc.)		days from passage (7/7/17)
<u>HB 2620</u>	<u>West Virginia Drug Overdose Monitoring Act.</u> Creates the Office of Drug Control Policy within DHHR; codifies requirements for information sharing, reporting, and establishes reporting responsibilities.	Governor signed 4/26/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
<u>HB 2679</u>	<u>Relating to the possession of firearms in parks and park facilities.</u> The main purpose of this bill is to strip County Parks and Recreation Commissions of the authority to ban firearms in a public park. Because it does so in a section of the code that is affected by other passed bills, they had to include the other issues so as not to nullify the already passed changes; therefore the bill also eliminates local option election regarding hunting on private land on Sundays; permits Sunday hunting on private land with written permission of the owner or an authorized agent of the owner; clarifying that hunting on public land on Sundays after five o'clock ante meridian is illegal. Also, it repeats the changes that create the misdemeanor offense of catching, taking, or killing of fish within two hundred feet of Division of Natural Resources personnel engaged in stocking fish in public waters; and establishes criminal penalties.	Governor signed 4/26/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
<u>HB 2684</u>	<u>Imposing penalties for repeat violations of the prohibition against driving under the influence on a suspended license.</u> Increasing penalties for repeat DUI/DWI offenders driving on a suspended license.	Governor signed 4/25/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
<u>HB 2721</u>	<u>Removing the cost limitation on projects completed by the Division of Highways.</u> Relating to the public-private transportation facilities act; reducing the cost threshold limitation on projects completed by the Division of Highways that are eligible for funding from the state road fund; and extending the time limitation by which agreements must be made; pushing back the sunset date of the Public Private Partnerships Act (P3) to 2023.	Governor signed 4/24/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
<u>HB 2726</u>	<u>Authorizing home incarceration officers to arrest participants for violating the terms and conditions of his or her supervision with or without a court order.</u> Amending the WV Code relating generally to authorizing home incarceration officers to arrest a participant for violating the terms and conditions of his or her supervision without a court order.	Governor signed 4/26/17	Passed 4/5/17; in effect ninety days from passage (7/4/17)
<u>HB 2734</u>	<u>Authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory.</u>	Governor signed 4/26/17	Passed 4/6/17; in effect ninety

Bill	Title/Summary	Status	Effective Date
	Amending the code by adding thereto a new section, designated §11-5-15, all relating to authorizing dealers of heavy equipment rental inventory to collect a fee from renters for the purpose of paying the dealers' property taxes on rental equipment; and establishing requirements for collection and remittance of such rental fees.		days from passage (7/5/17)
<u>HB 275</u> <u>9</u>	<u>Creating Statewide Interoperable Radio Network.</u> This bill codifies the current Statewide Interoperable Radio Network system by creating position of Statewide Interoperable Coordinator; creating Statewide Interoperability Executive Committee; prescribing duties for Statewide Interoperability Executive Committee; creating the Regional Interoperability Committee; prescribing duties for Regional Interoperability Committee; providing for transfer of assets and staffing of Statewide Interoperable Radio Network from the Department of Health and Human Resources to the West Virginia Department of Homeland Security and Emergency Management with a certain exception; establishing special revenue account for Statewide Interoperable Radio Network designated as the Statewide Interoperable Radio Network Account; providing for deposit of revenues derived from the lease of property managed as part of the West Virginia Statewide Interoperable Radio Network into the Statewide Interoperable Radio Network Account; exempting Statewide Interoperable Radio Network from certain Purchasing Division and Office of Technology requirements; and authorizing emergency and legislative rulemaking. This is just codifying the current SIRN program and was supported by CCAWV.	Governor signed 4/25/17	Passed 4/8/17; in effect from passage
<u>HB 276</u> <u>6</u>	<u>Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund.</u> Relating to establishing a new special revenue fund, designated the Adult Drug Court Participation Fund, for the purpose of collecting and remitting moneys to the State Treasury for participation in an adult drug court program administered by the Supreme Court of Appeals.	Governor signed 03/30/17	Passed 3/22/17; in effect ninety days from passage (6/20/17)
<u>HB 276</u> <u>7</u>	<u>Authorizing the Secretary of State to transmit electronic versions of undeliverable mail to the circuit clerks.</u> This bill modifies the service of process procedures for when Secretary of State acts as an agent for limited liability companies, certain corporations, limited partnerships, and certain nonresidents of the state; requiring the Secretary of State to create a preservation duplicate of certain refused or undeliverable process, notice or demand. It authorizes the Secretary of State to destroy or otherwise dispose of original returned or undeliverable mail; and requires the Secretary of State provide written notice of such action to the circuit clerk's office of the court from which certain process, notice or demand was issued by certified mail, facsimile or by electronic mail.	Governor signed 4/25/17	Passed 4/7/17; in effect ninety days from passage 7/6/17)
<u>HB 277</u>	<u>Defining special aircraft property.</u> Amending the code relating to defining "special aircraft property"	Governor signed	Passed 3/28/17; in

Bill	Title/Summary	Status	Effective Date
4	to include certain parts, materials or items used in the construction or repair of aircraft, aircraft engines or components of aircraft. Special aircraft property is valued at salvage value for property tax purposes. This currently affects Harrison County the most and they were ok with the change, in an effort to keep a current company, providing multiple jobs in their county.	04/8/17	effect ninety days from passage (6/26/17)
<u>HB 278</u> <u>1</u>	<u>Requiring a person desiring to vote to present documentation identifying the voter to one of the poll clerks.</u> The purpose of this bill relates to voting procedures. It removes the requirement that Division of Motor Vehicles forward certain information of persons who decline to become registered to vote to the Secretary of State. It also amending the effective date for voter registration procedures passed in 2016 and 2017 legislative sessions to July 1, 2019 and requires the Division of Motor Vehicles to make presentation to Joint Committee on Government and Finance if unable to meet requirements by February 1, 2019. Finally the bill requires the Division of Motor Vehicles to report to the Joint Committee on Government and Finance by January 1, 2018, with the full and complete list of all infrastructure they require to achieve certain purposes.	Governor signed 4/26/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
<u>HB 279</u> <u>7</u>	<u>Codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records.</u> The purpose of this bill is to clarify that there is statutory immunity for government agencies and officials from actions of third-parties using documents or records of governmental agencies for unlawful acts.	Governor signed 4/14/17	Passed 4/6/17; in effect ninety days from passage 7/5/17)
<u>HB 289</u> <u>7</u>	<u>Raising the amount required for competitive bidding of construction contracts by the state and its subdivisions.</u> This bill relates generally to competitive bidding for public construction contracts. It defines the term "alternates"; limits the number of alternates that may be included on any solicitation of bids for government construction contracts; establishes procedures for acceptance of alternate bids and determination of the lowest qualified responsible bidder. It provides procedures for the required submission of a list of subcontractors who will perform more than \$25,000 of work on certain projects. It provides procedures for the required submission of a drug-free workplace affidavit for any solicitation for a public improvement contract and provides procedures for the required submission of a contractor's license number with certain bid documents. The bill prohibits public construction contracts from being awarded to bidders that are in default on monetary obligations owed to the state or a political subdivision; and exempts competitive bidding	Governor signed 4/26/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)

Bill	Title/Summary	Status	Effective Date
	requirements on certain contracts for emergency repairs.		
HB 293 5	<p><u>Relating to state flood protection planning.</u> The purpose of this bill is to establish the Resiliency and Flood Protection Planning Act; create the State Resiliency Office within the Development Office in the Department of Commerce and create a State Resiliency Office Board, giving certain duties and authorities. The board is made of eight members: the Secretary of the Department of Commerce or designee; The Director of the Division of Natural Resources or designee; the Secretary of the Department of Environmental Protection or designee; the Executive Director of the State Conservation Agency or designee; the Secretary of the Department of Military Affairs and Public Safety or designee; the Secretary of Transportation or designee; the Adjutant General of the West Virginia National Guard or designee; and the Director of the Division of Homeland Security and Emergency Management or designee. The bill also establishes a Joint Legislative Committee on Flooding and requires the State Resiliency Office report to it.</p> <p><i>This change came from Commerce relating to the CDBG program primarily and to make sure all recovery money is coordinated. It doesn't impact Public Assistance like the counties get but could impact mitigation funding.</i></p>	Governor signed 4/26/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
HB 296 7	<p><u>Relating generally to administration of estates and trusts.</u> The purpose of this bill is to remove the requirements for the State Tax Commissioner to administer the fiduciary supervisor/fiduciary commissioner qualifying test and annual training seminar. These responsibilities will be transferred to the WV State Auditor's office. The bill also provides for waiving surety requirements for administrators of estates where grantee is sole beneficiary or sole distributee of the decedent.</p>	Governor signed 4/24/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
HB 298 0	<p><u>Relating to civil lawsuit filing fees for multiple defendant civil action.</u> Except for civil actions within the jurisdiction of family courts, in civil actions where there are more than one named defendant, for each additional defendant, respondent, or third-party defendant plead in a civil action, an additional \$15 fee is charged. \$10 of the additional fee goes to County general revenue fund and \$5 of each additional fee goes to State Police Forensic Laboratory Fund.</p>	Governor signed 4/24/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)

Bill	Title/Summary	Status	Effective Date
<u>HB 302</u> <u>2</u>	<p><u>Relating to the reporting of fraud, misappropriation of moneys, and other violations of law to the commission on special investigations.</u></p> <p>The purpose of this bill is to require the reporting of fraud and misappropriation of funds to the Legislature’s Commission on Special Investigations.</p>	Governor signed 4/26/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
<u>HB 309</u> <u>3</u>	<p><u>Establishing Broadband Enhancement and Expansion Policies.</u></p> <p>The purpose of this bill is to establish Broadband Enhancement and Expansion Policies. The bill moves the existing Broadband Enhancement Council into a new chapter, and sets forth additional duties and responsibilities for the council. The bill additionally authorizes the establishment of cooperative associations for the purpose of obtaining internet services. It also establishes new policies and protocols for micro-trenching and make-ready pole access. Finally, it makes it an unfair and deceptive practice for an internet service provider to advertise or contract for “up to” speeds.</p>	Governor signed 4/26/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
<u>HB 309</u> <u>6</u>	<p><u>Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state.</u></p> <p>The purpose of this bill is to allow more local review and control over the operation of, and setting rates, fees and charges for, water and sewer utilities that are owned by political sub-divisions of the state.</p> <p>Specifically the bill gives authority to county commissions to approve and/or “modify” proposed rates for water and sewer utilities that have at least 4500 customers and annual combined gross revenues of \$3 million or more and provides for complaints on this action to be filed with the circuit courts (<i>when presented a petition signed by at least 750 customers or 25% of the customers served by the public service district, whichever is fewer.</i>) Complaints or petitions must be filed within 30 days of County Commission’s final action or the expiration of the 45 day period from the receipt by the county commission. The bill also eliminates Public Service Commission jurisdiction over the provision of stormwater services by a public service district.</p>	Governor signed 4/26/17	Passed 4/8/17; in effect ninety days from passage (7/7/17)
<u>HB 310</u> <u>6</u>	<p><u>Relating to increasing the number of limited video lottery terminals.</u></p> <p>The purpose of this bill is to establish a maximum of 7 (increased from 5) limited video lottery terminals at a regular retail location.</p>	Governor signed 04/10/17	Passed 3/31/17 in effect ninety days from passage (6/29/17)